On Wednesday, March 8, 2017, at 8:30 a.m. the Dayton City Commission met in regular session in the Commission Chambers of City Hall.

### **CALL TO ORDER**

Mayor Whaley called the meeting to order.

### **INVOCATION**

Commissioner Shaw gave the invocation.

### PLEDGE OF ALLEGIANCE

Mayor Whaley led the public in the Pledge of Allegiance.

### **ROLL CALL**

Roll call was taken and Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw were present. The Clerk of Commission, Ms. Rashella Lavender, and the City Manager, Ms. Shelley Dickstein, were also present.

# **APPROVAL OF MINUTES**

Commissioner Joseph made the motion to approve the minutes from the March 1, 2017, meeting. Commissioner Shaw seconded the motion. The previous meeting minutes were unanimously approved.

### **COMMUNICATIONS AND PETITIONS**

There were no communications or petitions.

# SPECIAL AWARDS/PRESENTATIONS

There were no special awards or presentations.

# ADDITIONS OR DELETIONS TO THE CALENDAR

There were no additions or deletions to the calendar.

# **REPORTS:**

A. Purchase Orders, Price Agreements and Contracts:

(All contracts are valid until delivery is complete or through December  $31^{\text{st}}$  of the current year).

1. Purchase Orders:

# **CENTRAL SERVICES**

**A1. Proficient Information Technologies, Inc.** (professional technical consulting services as needed through 12-31-17) \$44,014.50

1.

### **FIRE**

**B1.** Brite Computers/Upstate Wholesale Supply (Fifty-seven Sierra GX450 modems with Wi-Fi, antennas and warranties) 49,362.00

### **POLICE**

C1. Victory Police Motorcycles, LLC (two Victory brand police motorcycles)

66,739.20

### **PUBLIC WORKS**

**D1.** Ohio Cat (Caterpillar brand parts, supplies and labor as needed through 12-31-17)

# WATER

E1. Flottweg Separation Technology, Inc. (Centrifuge maintenance, repair parts, services and inspections as needed through 12-31-17) 40,000.00

**E2.** Liberty Process Equipment, Inc. (pumps and related supplies as needed through 05-15-17) 12,000.00

-Depts. of Central Services, Fire, Police, Public Works and Water. Total: \$242,115.70

- Bricker & Eckler LLP Service Agreement to provide consulting and other related activities in connection with Ohio's Enterprise Zone, Tax Increment Financing, Community Reinvestment Area, New Community Authority Districts and other urban economic development incentive programs Dept. of Economic Development. \$30,000.00 (Thru 12/31/17)
- EmNet, LLC Service Agreement for Maintenance and Support Services for the Real
  Time Decision Support System for the Wastewater Collection System Dept. of Water/Water
  Engineering. \$1,647,860.53
  (Thru 12/2021)
- 4. **Fritz-Rumer-Cooke, Inc. Service Agreement –** for the Northwest Lead Track Annual Inspection and Maintenance Dept. of Economic Development. \$60,000.00 (Thru 09/30/18)
- Heritage Land Services, Inc. Service Agreement for the Washington Street Reconstruction, Wolf Creek Bikeway Extension, Valley Street Bikeway Phase 1A, Springfield Street Reconstruction Phase 1, and Springfield Street Reconstruction Phase 2 Agreement for Consulting Services – Dept. of Public Works/Civil Engineering. \$19,350.00 (Thru 12/31/21)
- 6. **LeadsOnline, LLC Service Agreement –** for access to a nationwide electronic database Dept. of Police. \$50,634.00 (Thru 02/29/20)

### **B.** Construction Contracts:

 Associated Excavating, Inc. – Award of Contract – for Brookline Avenue Water Main Improvements (10% MBE, 5% WBE Goal/13.60% MBE, 5.26% WBE Achieved) – Dept. of Water/Water Engineering.
 \$352,738.54
 (Thru 7/2018)

# C. Revenue to the City:

 Air Commerce LLC – Lease Agreement – for a Second Amendment to Amended and Restated Lease Agreement for real estate leased at the Dayton International Airport – Dept. of Aviation. \$176,000.00/Yr. (Thru 04/26/21)

### CITIZENS' COMMENTS ON CALENDAR ITEMS

There were no citizens' registered to speak on calendar items.

# **DISCUSSION OF CALENDAR ITEMS**

# <u>Calendar Item No. 10. -Emergency Resolution No. 6236-17-Dayton Regional Energy Special Improvement District</u>

Ms. Dickstein invited Mr. Jerry Brunswick, Executive Director, Dayton and Montgomery County Port Authority, to the podium for an overview.

Mr. Brunswick spoke in support of the resolution and said by establishing the resolution it will make existing projects to run smoother and will help facilitate future projects in the City of Dayton and Montgomery County.

Mayor Whaley thanked Mr. Brunswick for his leadership and said she thinks its great that the private sector is finding value in making their buildings energy efficient and environmentally friendly.

# Calendar Item No. 7. - Associated Excavating, Inc. - Contract

Ms. Dickstein said this contract is for water main investments in accordance with the capital asset program.

### Calendar Item No. 3. - EmNet, LLC - Service Agreement

Ms. Dickstein invited Mr. Mike Powell, Director of Water, to the podium for clarification of the service agreement.

Mr. Powell said the service agreement will allow for installing meters in the wastewater collection system. He said this will allow them to identify any problems in the system.

# Calendar Item No. 14. - Ordinance No. 31554-17-Citzens Appeals Board

Commissioner Williams asked for clarification on the calendar item.

Chief Richard Biehl, Dayton Police, said the initial complaint is received by the police department. He said citizens may contact the police by phone, email, or walk-in. He said if warranted the complaint is then investigated by a supervisor. He said ultimately the complaint is reviewed by him. Chief Biehl said after the investigation is complete then the Citizens Appeal Board is notified.

Ms. Katy Crosby, Executive Director of the Human Relations Council, said the Citizens Appeals Board consists of one member who is a former member of the legal community, a second member who is a former member of the law enforcement, and the other three members who are selected from the community at-large. Ms. Crosby said if anyone is interested in serving please contact the Human Relations Council at 937-333-1403.

Commissioner Williams said he appreciates all of the hard work by Ms. Crosby and Chief Biehl.

# APPROVAL OF CITY MANAGER'S RECOMMENDATIONS

Commissioner Williams made the motion to approve the City Manager's Reports. Commissioner Mims seconded the motion. The City Manager's Reports were approved with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw.

### **LEGISLATION**

### EMERGENCY ORDINANCE-FIRST AND SECOND READING

Emergency Ordinance No. 31553-17- Approving and Ratifying a City of Dayton-City of Union Agreement Settling Controversies Relating to Multiple Annexations around the Dayton International Airport, Some of Which Contain All or Part of the Same Territory, and Declaring an Emergency.

Commissioner Joseph moved that this being an emergency measure for the immediate consideration of the Ordinance. Commissioner Shaw seconded the motion. The motion was passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The question being shall Emergency Ordinance No. 31553-17 be passed. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Emergency Ordinance was passed.

<u>EMERGENCY RESOLUTIONS – FIRST AND SECOND READING</u>
<u>Emergency Resolution No. 6236-17</u> - Approving Amendments to the Articles of Incorporation of the Dayton Regional Energy Special Improvement District, Inc., and Declaring an Emergency.

Commissioner Joseph made a motion that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Shaw seconded the motion. The motion passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6236-17 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Emergency Resolution was adopted.

Emergency Resolution No. 6237-17 – Approving the Submission of Applications and Authorizing the Acceptance of Grant Awards from the Ohio Department of Transportation under the Active Transportation Program for State Fiscal Year 2018, and Declaring an Emergency.

Commissioner Shaw made a motion that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Joseph seconded the motion. The motion passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6237-17 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Emergency Resolution was adopted.

<u>Emergency Resolution No. 6238-17</u> – Authorizing the Acceptance of a Grant Award from the Dayton Foundation for the Evaluation of the Prison Peer Mediation Program, and Declaring an Emergency.

Commissioner Williams made a motion that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Mims seconded the motion. The motion passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6238-17 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Emergency Resolution was adopted.

<u>Emergency Resolution No. 6239-17</u> - Requesting the Advance Payment by Montgomery County, Ohio to the City of Dayton, Ohio of Tax Monies Collected for 2017, and Declaring an Emergency.

Commissioner Joseph made a motion that this being an emergency measure for the immediate consideration of the Resolution. Commissioner Shaw seconded the motion. The motion passed with a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The question being shall Emergency Resolution No. 6239-17 be adopted. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Emergency Resolution was adopted.

### ORDINANCE – FIRST READING

<u>Ordinance No. 31554-17</u> - Amending Sections 34.40, 34.43, 34.46, 34.47, 34.48, 34.50, and 34.51 and Enacting Section 34.53 of the Revised Code of General Ordinances Relating to the Citizens Appeal Board.

### INFORMAL RESOLUTION

<u>Informal Resolution No. 932-17-</u> Opposing Governor Kasich's Proposed Centralized Collection of Net Profit Tax Returns and Other Provisions Related to the Municipal Income Tax in the 2018-19 Budget Bill Which Will Cause a Substantial Loss of Revenue Needed to Support Dayton's Safety, Service Delivery, and Economic Development Efforts.

Commissioner Mims made a motion to adopt Informal Resolution No. 932-17. Commissioner Williams seconded the motion. A roll call vote was taken resulting in a 5-0 vote. Voting in the affirmative were Mayor Whaley, Commissioners Williams, Joseph, Mims and Shaw. The Informal Resolution was adopted.

Mayor Whaley thanked Ms. Tammi Clements, Deputy City Manager, for her testimony at the State House in opposition of the Bill.

# **CITIZENS' COMMENTS**

Citizens' comments were received from the following:

- 1. Ms. Anna Thamba, 5010 Woodbine Ave. spoke about her citizenship.
- 2. Mr. Ray Hollingsworth, 4438 Hoover Ave. spoke about the heroin crisis in the City of Dayton.

# **COMMENTS BY THE CITY MANAGER**

The City Manager, Ms. Shelley Dickstein, had no closing comments.

### **COMMENTS BY THE CLERK OF COMMISSION**

The Clerk of Commission, Ms. Rashella Lavender, had no closing comments.

# **COMMENTS BY CITY COMMISSION**

### **Commissioner Shaw**

Commissioner Shaw highlighted his attendance at the Haines Center, Third Perk Peculator Event, the Huffman Neighborhood Association, and he thanked the Police Department for a ride-a-long.

# **Commissioner Mims**

Commissioner Mims said he will take some of the attendees of the Jack and Jill of America, Inc. to Columbus, Ohio to meet legislators.

<u>Commissioner Williams</u> Commissioner Williams highlighted his attendance at the Neighborhood Leadership kick-off.
ADJOURNMENT There being no further business, the meeting was adjourned at 9:05 a.m.
Mayor Nan Whaley
Attest:
Clerk of Commission